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S.B. CIVIL MISC. APPEAL NO.125/2007.
Daulat Ram & Anr. Vs. Bhilhu Das & Ors.

Date of Order :: 16th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. G.R. Gora, for the appellants.

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BY THE COURT:

This is claimant's appeal seeking enhancement over the amount of compensation awarded by the Tribunal in the sum of Rs.2,42,000/- on account of accidental death of their son Amrit Lal, about 17 years in age, said to be studying in 10th standard and being engaged in tuitions and also working on STD Booth.

For assessment of pecuniary loss for the parents of the victim, for want of any cogent evidence on record, the Tribunal has put an estimate on his income at Rs.18,000/- per annum and after deducting one-third wherefrom, has taken annual loss of contribution at Rs.12,000/- and with application of multiplier of 16, though the parents are in the age group of 40-45 years, has assessed pecuniary loss at Rs.1,92,000/-. The Tribunal has further allowed Rs.15,000/- towards funeral expenses and Rs.20,000/- towards non-pecuniary loss and yet another Rs.15,000/- towards other expenses and in this manner as assessed loss for the claimants at Rs.2,42,000/-.

Learned counsel for the appellant contends that the deceased had a bright future and the assessment of his income at Rs.18,000/- per annum stands on a lower side; and further, that at least the multiplier of 18 ought to have been applied in the present case. The submissions are not well founded.

When the parents of the deceased are shown in the age group of 40-45 years, application of multiplier of 16 itself seems to be rather on the higher side. Moreover, the Tribunal has proceeded to take entire of two-third from the estimated income of the deceased for loss of contribution to the parents. The deceased being an unmarried person, this Court is clearly of opinion that in the facts and circumstances of this case, not more than one-half of estimated income could have been taken towards loss of contribution for the parents looking to the future certainties and uncertainties; and likelihood of the victim getting married and a larger part of his income getting diverted to his own family.

Moreover, in the present case, the award in question seems rather excessive where the Tribunal has allowed Rs.20,000/- towards non-pecuniary loss; Rs.15,000/- towards funeral expenses and yet another Rs.15,000/- towards so called other miscellaneous expenses. The Tribunal has further allowed interest at the rate of 7.5% per annum.

In the ultimate analysis the award remains rather on the higher side and there appears no scope for enhancement over the liberal award made by the Tribunal in this case.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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